

**G INVESTORS HOLDING LLC as
successors in interest to STEPHEN CARB
AS TRUSTEE OF LOLLYTOGS, INC. TRUST.**

-against-

Defendant.

SS.:

County of New York

**AFFIDAVIT OF
ISAAC GINDI**

1. I am a shareholder of Lollytogs, LTD as well as the son of Samuel Gindi, now deceased, the insured in the insurance policies that are the subject of the above captioned action.

2. This affidavit is submitted in response to the Opposition filed by Defendant Lincoln Benefit Life Company, Inc.'s ("LBL") to Plaintiff's motion which seeks an Order: a) pursuant to Fed. R. Civ. P. 12 (b) (3), dismissing the recently commenced Delaware District Court Action, *Lincoln Benefit Life Company Inc. v. G Investors Holdings LLC*, Civil Action No. 12-730 LPS, or, in the alternative, for a stay of all proceedings in the Delaware District Court pending the trial of the instant action which is scheduled for October 29, 2012; b) pursuant to Fed. R. Civ. P. 15 (a) (2), for leave to amend the Complaint to include a cause of action sounding in breach of contract due to Defendant's refusal to pay the death benefit due and owing under

the policies which are the subject of the instant action; and c) pursuant to Fed R. Civ. P. 56, granting partial summary judgment by declaring that Defendant is liable to Plaintiff for the undisputed amount due under the policies' death benefits which became due and owing on May 20, 2012 upon the death of the insured.

3. My attorneys inform me that Defendant is claiming that Florida law applies to the above captioned matter. The purpose of this affidavit is to clarify that my father, Samuel Gindi, was a long time New York state resident.

4. My father was a New York resident at the time of the purchase and binding of the life insurance policies issued by Defendant bearing policy Numbers 01R1133155 and 01T1125550.

5. My father purchased his home, located at 501 Avenue T, Brooklyn, New York in or about January 1961.

6. I personally resided in the home, with my father, from in or about January 1961 to in or about 1983.

7. My father spent approximately eight months out of every year at his residence in Brooklyn, approximately two months of every year in Deal, New Jersey and approximately two months of every year in Miami, Florida.

8. Throughout his life, my father continued to receive his mail at his home in Brooklyn.

9. Additionally, my father filed his income tax returns as a New York resident from at least 1962 until the time of his death.

10. Furthermore, at the time of the purchase and binding of said life insurance policies he was still employed by Lollytogs, LTD, which maintains its principle place of business at 100 West 33rd Street, New York, New York.

11. Lastly, my father's will is being probated in Kings County Surrogate Court as proceeding In the Matter of the Estate of *SAM GINDI a/k/a SAMUEL GINDI, Deceased*, File No. 2012-2810.



ISSAC GINDI

Sworn to me on this
9 day of August, 2012



Notary Public

ANTOINETTE MARIE COLOREO
Notary Public, State of New York
No. 010006194107
Qualified in Kings County
Commission Expires September 29, 2012

Docket No 09-CV 2980 ALC KNF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

G INVESTORS HOLDING LLC as successors in interest to
STEPHEN CARB AS TRUSTEE OF LOLLYTOGS,
INC. TRUST

Plaintiff,
-against-

LINCOLN BENEFIT LIFE COMPANY, INC.,
Defendant.

AFFIDAVIT OF ISAAC GINDI

Weg and Myers, P.C.
Attorney for Plaintiff

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